

## **REMARKS**

### **Overview**

Claims 1-39 are pending in the present application. Applicant appreciates the willingness of the Examiner to discuss the application in the telephonic interview of December 7, 2006. As a result of that interview, Applicant cancels claims 1-17, 22 and 32-39 and makes amendments to claims 18, 21, 23, 24, 26, 27 and 31 in an earnest effort to advance the application to allowance and/or put the application in better form for appeal. Entry and reconsideration is respectfully requested.

### **Obviousness Rejection**

Claims 1-39 stand rejected as obvious based on Fogerty in view of Norman, both previously of record. Each of those references has been discussed in detail in prior responses which are incorporated by reference herein. As emphasized in the telephone interview, each teaches a different concept regarding simulated doll clothing. Fogerty uses actual fabric for more realistic simulated clothing. This requires components to be attached to the fabric to allow it to be snapped onto dolls. Fogerty does teach the use of velcro to attach specific portions of the fabric to one another. But velcro pieces (on one side the loop material and the other the hook material) must also be added to the fabric.

Thus, substantial manufacturing resources must go into creating each clothing item. The fabric must first be cut out and otherwise processed into the general shape of the particular clothing item. Then, the snap-on piece 14, 22 or 44 must be sewn or glued or otherwise connected to the fabric at the correct position. Finally, if velcro is used, the hook piece and the loop piece must independently be attached at different specific portions of the fabric. When

completed, the simulated clothing piece ostensibly fits on only one part of the doll and creates only one type of clothing item. It is not reconfigurable for legitimate placement on a different part of the doll or to create a different type of clothing item.

In contrast, Norman goes in a different direction. It molds clothing items out of rubber. The molding process can create the illusion of items such as collars, cuffs, lapels, and the like. Norman furthermore goes as far as to say that for further realism, different parts of each clothing item can be painted or colored. Norman mounts its pieces on a doll by either snap-on or slip over an appendage of the doll. Importantly, like Fogerty, Norman's individual simulated clothing items cannot be reconfigured into a different item or cannot legitimately be placed on different parts of the doll than what is intended.

For both Fogerty and Norman, once a purchaser buys a particular type of clothing item, he/she is stuck with that clothing item. If a different clothing item is desired, a different one must be purchased. They cannot be reconfigured into other, different clothing items.

As pointed out in the telephone interview, the claimed invention goes in a different direction from either Norman or Fogarty. It is conformable to the doll and reconfigurable. It allows the creativity of the purchaser to shape and apply it in the way the purchaser sees fit. It is adjustable. The same piece can be used to make, or help make, a jacket, or a skirt, or a shoe, or a hat. If it is made into one of those, it can be reconfigured into a different one of those. See attached Appendix which shows packaging of an embodiment of the present invention with a dress form (a doll body without head, arms, or legs). Note how the clothing is designed by the user by wrapping and self-adhering selected pieces.

As pointed out, Applicant's claims specifically set forth structural limitations allowing this to occur. The piece of material is self-adherent, elastic, and wrappable. See attached

Appendix. Furthermore, in a claimed aspect of the invention, it is self-adherent at substantially any part of the piece. This allows a piece to be wrapped around a doll of a first diameter and secured in place, then removed and wrapped around the doll of a much different diameter.

Unlike Fogerty, which has a set distance between hook and loop pieces 25 and 27, the Applicant's claimed invention is self-adherent at substantially all portions. Thus, there does not have to be a precise correspondence between two small portions of the piece for it to be connected. Similarly, this assists in a more secure fit because a substantial part of the surface area that is overlapped of the same piece will assist in holding it into place.

Applicant's claims also include the limitation of being wrappable and elastic. The fabric of Fogerty is not elastic. The molded rubber of Norman is not wrappable.

It is therefore respectfully submitted that a *prima facie* case of obviousness has not been presented because there is neither a disclosure, suggestion, teaching, nor motivation to combine Fogerty and Norman, but even if combined, they lack specific material limitations of the claims.

In order to advance prosecution of the present application, as discussed in the telephone interview, Applicant has cancelled, without prejudice to pursue them in a related application, the apparatus and kit claims.

Applicant respectfully submits that the remaining method claims are patentable over the cited art. Applicant emphasizes that under 35 U.S.C. § 100(b) the Patent Statute specifically recognizes that a new use of even an old product can be patentable. Neither Fogerty nor Norman, or a combination of the same, teaches or suggests Applicant's method claims.

To further clarify those claims, additional language has been added to independent claims 18 and 21. Specifically, these methods explicitly include a doll or doll-size dress form shaped mannequin. The invention of claims 18 and 21 is therefore limited solely to simulating clothing

on a doll or mannequin. Those claims have also been amended to specify that the doll or mannequin has specific doll or mannequin features such as a torso (a dress form has a torso but no head, arms or legs, see attached Appendix).

Additionally, claims 18 and 21 have been amended to make it clear that the piece of self-adherent elastic wrappable material is self-adherent between substantially any two portions of the piece on either side of the piece. Contrary to Fogerty or Norman, this allows securement by self-adhesion substantially any place the portions of the material overlap or come into contact, regardless of location on the material or side of the material. Fogerty has to match up small locations of the fabric material that contain the hook and loop sections and requires the appropriate side of the fabric with the complimentary hook and loop pieces to be brought into correct abutment. Norman has no disclosure of any action between portions of the same piece for purposes of securement.

Furthermore, claims 18 and 21 specifically include the idea of the wrappability and overlapping of the material as the means of securement to the doll. See attached Appendix. Fogerty does not teach wrapping and securement of the fabric as the method of mounting to the doll but rather the snap-on pieces 14, 22, or 44. Again, Norman has no teaching of wrap ability and self-securement as a method of securement to the doll.

As stated, these differences between Applicant's claims and the prior art teachings have functional advantages. It allows the user creativity in forming the simulated article of clothing. It also allows flexibility for the user. The material can be placed on a doll to simulate one style of clothing on the doll and adjust it or change it or add to it. In contrast, the form of clothing is fixed by Fogerty and Norman by the manufacturer.

As discussed in the telephone interview, some language has been deleted from independent claims 18 and 21 which the Examiner indicated was not required for patentability.

It is therefore respectfully submitted claims 18 and 21 are allowable. The remaining claims are dependent upon either of these claims and are submitted to be allowable for the reasons expressed in support of those claims.

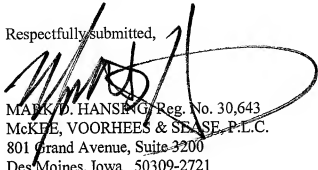
### **Conclusion**

It is respectfully submitted that all matters raised in the Office Action have been addressed and remedied and that the application is in form for allowance. Favorable action is respectfully requested.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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Attorneys of Record

- bjh/pw -  
Attachment - Appendix (3 pages)

Just press  
together

cuts

Awesome  
new fabric  
sticks to  
itself!

No  
sewing  
No  
gluing



# Shapetape

## fashion design kit

easy stick-on fabric for 3-D fashions!

designs fit all  
fashion dolls  
11-1/2" or  
shorter

wrap it...

stick it...

cut it...

smoosh it...

includes  
mannequin  
and fabric

peel it apart...

reuse it!



hey girls—  
fashion rules!  
create lots of fun  
new styles—just  
wrap and press!

it's easy!

take pre-cut  
fabric...



wrap around  
mannequin...



press pieces  
together...



for instant  
3-D outfits!

kit includes:

pre-cut  
fabric for  
five outfits



mannequin  
and stand



fun step-by-step  
instructions

spin fashion  
wheel to mix  
and match  
tops and  
bottoms



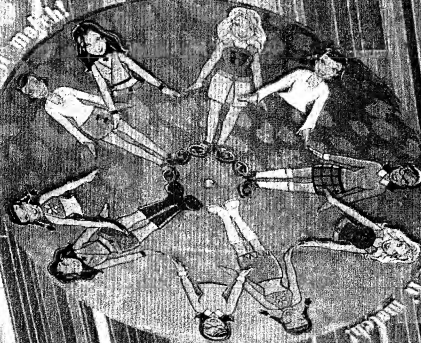
extra rolls  
of fabric  
colors vary according  
to package



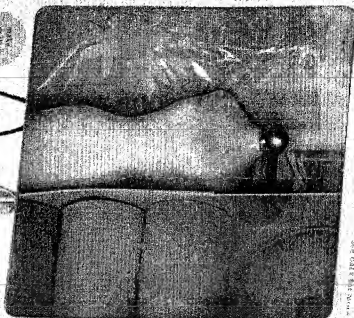
lift front flap for more design ideas!



My 1st Match!



Design your own cool outfits!



Just press together to form outfits!

Awesome new fabric sticks to itself!

No sewing! No gluing!

APPENDIX 3/3